

REFERENCE TITLE: incinerator capacity; municipalities and counties

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2135

Introduced by  
Representative Ableser

AN ACT

AMENDING SECTIONS 9-500.04 AND 11-877, ARIZONA REVISED STATUTES; RELATING TO AIR QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to  
3 read:

4           9-500.04. Air quality control: definitions

5       A. The governing body of a city or town in area A or area B as defined  
6 in section 49-541 shall:

7           1. If the city has a population exceeding fifty thousand persons  
8 according to the 1995 special census, adjust the work hours of at least  
9 eighty-five per cent of municipal employees each year beginning October 1 and  
10 ending April 1 in order to reduce the level of carbon monoxide, ozone and  
11 particulate matter concentrations caused by vehicular travel.

12          2. In area A, in consultation with the designated metropolitan  
13 planning organization, synchronize traffic control signals on all existing  
14 and new roadways, within and across jurisdictional boundaries, that have  
15 average daily trips exceeding fifteen thousand motor vehicles per day.

16          3. In area A, beginning on January 1, 2008, develop and implement  
17 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on  
18 targeted arterials. The plans shall address the performance goals, the  
19 criteria for targeting the roads, alleys and shoulders, a schedule for  
20 implementation, funding options and reporting requirements. Priority shall  
21 be given to the following:

22           (a) Unpaved roads with more than one hundred average daily trips.

23           (b) Unpaved shoulders on arterial roads and other road segments where  
24 vehicle use on unpaved shoulders is evident or anticipated due to projected  
25 traffic volume.

26          4. In area A, acquire or utilize vacuum systems or other dust removal  
27 technology to reduce the particulates attributable to conventional crack  
28 sealing operations as existing equipment is retired.

29          5. In area A, in order to reduce particulate matter in ambient air:

30           (a) Beginning March 31, 2008, on any high pollution advisory day  
31 forecast by the department of environmental quality prohibit employees or  
32 contractors of that city or town from operating leaf blowers except while in  
33 vacuum mode and prohibit those employees or contractors from blowing  
34 landscape debris into public roadways at any time.

35           (b) No later than March 31, 2008, adopt, implement and enforce an  
36 ordinance that bans the blowing of landscape debris into public roadways at  
37 any time by any person.

38          6. In area A, no later than March 31, 2008, adopt or amend codes or  
39 ordinances and, no later than October 1, 2008, commence enforcement of those  
40 codes or ordinances as necessary to require that parking, maneuvering,  
41 ingress and egress areas at developments other than residential buildings  
42 with four or fewer units are maintained with one or more of the following  
43 dustproof paving methods:

44           (a) Asphaltic concrete.

45           (b) Cement concrete.

1                   (c) Penetration treatment of bituminous material and seal coat of  
2 bituminous binder and a mineral aggregate.

3                   (d) A stabilization method approved by the city or town.

4              7. In area A, no later than March 31, 2008, adopt or amend codes or  
5 ordinances and, no later than October 1, 2009, commence enforcement of those  
6 codes or ordinances as necessary to require that parking, maneuvering,  
7 ingress and egress areas that are three thousand square feet or more in size  
8 at residential buildings with four or fewer units are maintained with a  
9 paving or stabilization method authorized by the city or town by code,  
10 ordinance or permit.

11             8. In area A, no later than March 31, 2008, adopt or amend codes or  
12 ordinances as necessary to restrict vehicle parking and use on unpaved or  
13 unstabilized vacant lots.

14             9. In area A, no later than March 31, 2008, require that new or  
15 renewed contracts for street sweeping on city streets must be conducted with  
16 street sweepers that meet the south coast air quality management district  
17 rule 1186 street sweeper certification specifications for pick up efficiency  
18 and PM-10 emissions in effect on January 1, 2007.

19             10. In area B, synchronize traffic control signals on all roadways that  
20 have average daily trips exceeding fifteen thousand motor vehicles per day.

21             11. **LIMIT THE CAPACITY OF NEW INCINERATORS TO THE LARGEST CAPACITY  
22 INCINERATOR OF THE CITY OR TOWN ON THE EFFECTIVE DATE OF THIS AMENDMENT TO  
23 THIS SECTION AND NOT INCREASE THE CAPACITY OF ANY INCINERATOR EXISTING ON THE  
24 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.**

25             B. The governing body of a city or town in area B as defined in  
26 section 49-541 may make and enforce ordinances to reduce or encourage the  
27 reduction of the commuter use of motor vehicles by employees of the city or  
28 town and employees whose place of employment is within the city or town.

29             C. Except as provided in subsection F of this section, the governing  
30 body of a city or town in area A as defined in section 49-541 in a county  
31 with a population of more than one million two hundred thousand persons  
32 according to the most recent United States decennial census shall develop and  
33 implement a vehicle fleet plan for the purpose of encouraging and  
34 progressively increasing the use of alternative fuels and clean burning fuels  
35 in city or town owned vehicles. The plan shall include a timetable for  
36 increasing the use of alternative fuels and clean burning fuels in fleet  
37 vehicles either through purchase or conversion.

38             D. The timetable shall reflect the following schedule and percentage  
39 of vehicles that operate on alternative fuels and clean burning fuels:

40               1. At least eighteen per cent of the total fleet by December 31, 1995.

41               2. At least twenty-five per cent of the total fleet by December 31,  
42 1996.

43               3. At least fifty per cent of the total fleet by December 31, 1998.

44               4. At least seventy-five per cent of the total fleet by December 31,  
45 2000 and each year thereafter.

1       E. The requirements of subsections C and D of this section may be  
2 waived on receipt of evidence acceptable to the city or town council that the  
3 city or town is unable to acquire or be provided equipment or refueling  
4 facilities necessary to operate vehicles using alternative fuels or clean  
5 burning fuels at a projected cost that is reasonably expected to result in  
6 net costs of no greater than ten per cent more than the net costs associated  
7 with the continued use of conventional gasoline or diesel fuels measured over  
8 the expected useful life of the equipment or facilities supplied.  
9 Applications for waivers shall be filed with the department of environmental  
10 quality pursuant to section 49-412. An entity that receives a waiver  
11 pursuant to this section shall retrofit fleet heavy duty diesel vehicles with  
12 a gross vehicle weight of eight thousand five hundred pounds or more, that  
13 were manufactured in or before model year 1993 and that are the subject of  
14 the waiver with a technology that is effective at reducing particulate matter  
15 emissions at least twenty five per cent or more and that has been approved by  
16 the United States environmental protection agency pursuant to the urban bus  
17 engine retrofit/rebuild program. The entity shall comply with the  
18 implementation schedule pursuant to section 49-555.

19     F. The plan prescribed by subsection C of this section shall include  
20 provisions for the use of alternative fuels and clean burning fuels in the  
21 bus fleet operated by that city or town or a regional public transportation  
22 authority, except that all newly purchased buses shall use alternative fuel  
23 or clean burning fuel. The bus fleet shall comply with the timetable  
24 prescribed by subsection D of this section, except that the requirements of  
25 subsections C and D of this section may be waived on receipt of certification  
26 supported by evidence acceptable to the department of environmental quality  
27 that the city or town is unable to acquire or be provided equipment or  
28 refueling facilities necessary to operate vehicles using alternative fuels or  
29 clean burning fuels at a projected cost that is reasonably expected to result  
30 in net costs of no greater than twenty per cent more than the net costs  
31 associated with the continued use of conventional gasoline or diesel fuels  
32 measured over the expected useful life of the equipment or facilities  
33 supplied.

34     G. If the requirements of subsections C, D and F of this section are  
35 met by the use of clean burning fuel, vehicle equivalents under those  
36 requirements shall be calculated as follows:

37       1. One vehicle equivalent for every four hundred fifty gallons of neat  
38 biodiesel or two thousand two hundred fifty gallons of a diesel fuel  
39 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

40       2. One vehicle equivalent for every five hundred thirty gallons of the  
41 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

42     H. Subsection A, paragraphs 5 through 8 of this section do not apply  
43 to any site that has a permit issued by a control officer as defined in  
44 section 49-471 for the control of fugitive dust from dust generating  
45 operations.

1       I. For the purposes of this section, "alternative fuel" and "clean  
2 burning fuel" have the same meanings prescribed in section 1-215.

3       Sec. 2. Section 11-877, Arizona Revised Statutes, is amended to read:

4           11-877. Air quality control measures

5       A. In order to reduce particulate matter in ambient air, the board of  
6 supervisors of any county that contains any portion of area A, as defined in  
7 section 49-541, shall develop, implement and enforce in area A the following  
8 air quality control measures:

9           1. Beginning on ~~the effective date of this section~~ SEPTEMBER 19, 2007,  
10 prohibit employees or contractors of that county from operating leaf blowers  
11 on any high pollution advisory day forecast by the department of  
12 environmental quality except while in vacuum mode and prohibit those  
13 employees or contractors from blowing landscape debris into public roadways  
14 at any time.

15           2. No later than March 31, 2008, adopt, implement and enforce an  
16 ordinance that bans the blowing of landscape debris into public roadways at  
17 any time by any person.

18           3. No later than March 31, 2008, adopt, implement and enforce an  
19 ordinance that prohibits the operation of leaf blowers except on surfaces  
20 that have been stabilized with asphaltic concrete, cement concrete,  
21 hardscape, penetration treatment of bituminous material and seal coat of  
22 bituminous binder and a mineral aggregate, decomposed granite cover, crushed  
23 granite cover, aggregate cover, gravel cover, or grass or other continuous  
24 vegetative cover, or any combination of those stabilizers.

25           4. LIMIT THE CAPACITY OF NEW INCINERATORS TO THE LARGEST CAPACITY  
26 INCINERATOR OF THE COUNTY EXISTING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO  
27 THIS SECTION AND NOT INCREASE THE CAPACITY OF ANY INCINERATOR EXISTING ON THE  
28 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

29           B. SUBSECTION A, PARAGRAPHS 1, 2 AND 3 OF this section ~~does~~ DO not  
30 apply to any site that has a permit issued by a control officer as defined in  
31 section 49-471 for the control of fugitive dust from dust generating  
32 operations.